

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12-03053-01-CR-S-RED
)	
)	
BRENT "PETE" TURLEY,)	
)	
Defendant.)	

DEFENDANT'S MOTION TO CONTINUE TRIAL

COMES NOW Defendant, Brent "Pete" Turley, by counsel, and moves this Court, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), to remove this case from it's scheduled trial setting on the August 13, 2012 Joint Criminal Trial Docket, and to continue this case until the October, 2012 Joint Criminal Trial Docket.

SUGGESTIONS IN SUPPORT

1. The grand jury returned an indictment against Defendant on June 20, 2012. Defendant was arrested on that same date.
2. On June 25, 2012, Defendant was arraigned and a hearing was held on the government's motion for pretrial detention. This court took the matter under

advisement.

3. On July 9, 2012, this Court issued an Order sustaining the government's motion and ordered Defendant detained without bail.

4. The undersigned counsel intends to seek this Court's reconsideration of that ruling.

5. On July 9, 2012, this Court issued its Order setting the pretrial conference for July 26, 2012 and setting the case for trial on the August, 13, 2012 Joint Criminal Trial Docket.

6. Defendant was previously represented by different counsel. The undersigned counsel was hired to represent Defendant on Friday, July 20, 2012. The undersigned entered her appearance this day, Monday, July 23, 2012. (See Docket Entry 13).

7. Additional time is needed to investigate the facts in this case and to otherwise prepare for trial. It is counsel's understanding that electronic media is involved in the government's discovery and counsel anticipates that such evidence may well necessitate additional independent investigation. It is not possible to complete such investigation and trial preparation prior to the August trial setting.

8. Additionally, counsel will be out of the state for a National Association of Criminal Defense Lawyers conference from July 25, 2012 to July 29, 2012 and will

therefore, be unavailable for court for the scheduled pretrial conference of July 26, 2012.

9. The undersigned counsel has discussed this requested relief via email with James Kelleher, Assistant United States Attorney, representing the government on this case, who states he does not oppose this requested continuance.

10. This continuance is not sought for purpose of dilatory delay, but is sought in truth and fact so that Defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), it is submitted that the ends of justice served by this continuance outweigh the best interests of the public and Defendant in a speeding trial as required by 18 U.S.C. § 3161(c)(1).

11. Under the provisions of 18 U.S.C. § 3161(h)(7)(A), the period of time from the filing of this motion until the requested criminal trial docket setting should be excluded in computing the period of time in which Defendant should be brought to trial under the provisions of the Speedy Trial Act.

12. Defendant is currently detained at the St. Clair County jail and the undersigned counsel is in the process of obtaining a signed waiver of his right to a speedy trial under 18 U.S.C. § 3161. Counsel will forward the same to the Court with all possible speed.

WHEREFORE, Defendant respectfully requests this Court, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), to remove this case from its scheduled trial setting of August 13, 2012, and to continue this case until the October, 2012 Joint Criminal Trial Docket.

Respectfully submitted,

/s/ Nancy R. Price

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Attorney for Brent Pete Turley

CERTIFICATE OF SERVICE

I hereby certify that on Monday, July 23, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties so entitled to such notice and that I have mailed the foregoing by U.S. mail first-class postage prepaid to the following non CM/ECF participant, Brent Pete Turley.

/s/ Nancy R. Price

NANCY R. PRICE